



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Cesar Ernesto FONTES-Lomeli
Defendant.

'08 MJ 8214
Magistrate Case No.:
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about March 10, 2008, within the Southern District of California, defendant Cesar Ernesto FONTES-Lomeli did knowingly and intentionally import approximately 29.08 kilograms (63.97 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Brandon M. Wood
BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th,
DAY OF MARCH 2008.

Peter C. Lewis
PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Cesar Ernesto FONTES-Lomeli

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes
6 furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon
7 Wood.

8 On March 10, 2008, at approximately 1215 hours, Cesar Ernesto FONTES-
9 Lomeli entered the United States at the Calexico, California West Port of Entry (POE).
10 FONTES was the driver, registered owner, and sole occupant of a 2008 Toyota
11 Tacoma with Mexican license plate number AM-03-145.

12 During a primary inspection, Customs and Border Protection Officer (CBPO) J.
13 Burgeno noticed a depth discrepancy in the roof of the vehicle. CBPO J. Burgeno
14 escorted both FONTES and vehicle to the vehicle secondary lot for an intensive
15 inspection.

16 In the vehicle secondary lot, Border Patrol Canine Officer (BPCO) A. Villagran
17 utilized his Human-Narcotics Detector Dog (HNDD) on FONTES' vehicle and the HNDD
18 alerted to the dome light of the vehicle. BPCO A. Villagran informed CBPO J. Burgeno
19 of his HNDD's alert to the vehicle.

20 CBPO J. Burgeno performed an intensive inspection of the roof area of the
21 vehicle and discovered a non-factory compartment. CBPO J. Burgeno drilled into a
22 non-factory metal plate which revealed a white powdery substance that field tested
23 positive for cocaine, a Schedule II Controlled Substance. A total of twenty seven (27)
24 packages were found in the compartment with a total weight of 29.08 kilograms (63.97
25 pounds).

26 Special Agent (SA) Brandon Wood placed FONTES under arrest for violation of
27 Title 21 United States Code 952 and 960, Importation of a Controlled Substance.
28 FONTES was advised of his Constitutional Rights, per Miranda, which he
29 acknowledged and waived.

1 FONTES admitted knowledge that a controlled substance was concealed within
2 the vehicle. FONTES stated to SA Wood that he was offered \$2000 to smuggle drugs
3 into the United States by a friend named Salvador GUSMAN. FONTES stated that
4 today's crossing (March 10, 2008) was FONTES' third time smuggling drugs. FONTES
5 was to drive across the border and wait for a call to tell him where to take the vehicle.
6 FONTES was processed, booked, and transported to Imperial County Jail.